

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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PAULA DISBERRY,	:	
	:	
Plaintiff,	:	22-CV-5778 (CM) (OTW)
	:	
-against-	:	<u>ORDER</u>
	:	
EMPLOYEE RELATIONS COMMITTEE	:	
OF THE COLGATE-PALMOLIVE COMPANY,	:	
et al.	:	
Defendants.	:	
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ONA T. WANG, United States Magistrate Judge:

The Court is in receipt of Defendant’s letter setting forth its position on the attorney work product doctrine discovery dispute (ECF 102) and Plaintiff’s response (ECF 103).

The document in question is a summary of a potential fraud incident prepared by internal counsel for Colgate-Palmolive. Pursuant to the Court’s September 9, 2023 Order (ECF 101), I have conducted an *in camera* review of the disputed document and the parties’ submissions. I conclude that because the document in question was created after Plaintiff had requested information on how to submit a claim, and the amount at issue was approximately \$750,000, the document was prepared in anticipation of potential litigation and is therefore protected as attorney work product. Accordingly, the document was properly withheld in discovery. *See* Fed.R.Civ.Pr. 26(b)(3); *U.S. v. Adlman*, 134 F.3d 1194, 1202 (2d Cir. 1998) (“Where a document is created because of the prospect of litigation . . . it does not lose protection under this formulation merely because it is created in order to assist with a business decision.”). Nor can Plaintiff show a substantial need for the withheld document pursuant to

Fed.R.Civ.Pr. 26(b)(3)(ii). Plaintiff can seek other, non-privileged information through discovery about the steps taken by Colgate-Palmolive after its investigation.

SO ORDERED.

Dated: September 14, 2023
New York, New York

s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge